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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/920,208

08/01/2001

Marc E. Fusco

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5749

20350

7590

12/01/2005

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT

PAPER NUMBER

2646

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/920,208		FUSCO, MARC E.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jefferey F. Harold		2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-16, 19 and 20*** are rejected under 35 U.S.C. 102(e) as being anticipated by Kredo (United States Patent 6,714,637).

Regarding **claim 1**, Kredo discloses a customer programmable caller ID alerting indicator. In addition, Kredo discloses a method for alerting a user at a terminal location of an incoming phone call, the method comprising the steps of: receiving a criterion manually entered by the user before the incoming phone call is placed; receiving notification of the incoming phone call with an identifier associated with the incoming phone call; detecting the identifier associated with the incoming phone call; correlating the identifier with a pre-recorded voice announcement using criterion; and playing the prerecorded voice announcement at the terminal location, as disclosed at column 2, line 24 through column 4, line 27 and exhibited in figures 1 and 2.

Regarding **claim 2**, Kredo discloses everything claimed as applied above (see claim 1), in addition, Kredo discloses a step of receiving the pre-recorded voice announcement for the incoming call, wherein the pre-recorded voice announcement is

received from a point geographically separate from the terminal location, as disclosed at column 2, line 24 through column 4, line 27 and exhibited in figures 1 and 2.

Regarding **claim 3**, Kredo discloses everything claim as applied above (see claim 1), in addition, Kredo discloses correlating a phone number with a pre-recorded voice announcement; correlating a portion of the phone number with a pre-recorded voice announcement; and correlating a caller ID name with a pre-recorded voice announcement, as disclosed at column 2, line 24 through column 4, line 27 and exhibited in figures 1 and 2.

Regarding **claim 4**, Kredo discloses everything claim as applied above (see claim 1), in addition, Kredo discloses recording the pre-recorded voice announcement, as disclosed at column 2, line 24 through column 4, line 27 and exhibited in figures 1 and 2.

Regarding **claim 5**, Kredo discloses everything claim as applied above (see claim 4), in addition, Kredo discloses a step of interrupting a call to play the pre-recorded voice announcement with consumer phone equipment, as disclosed at column 2, line 24 through column 4, line 27 and exhibited in figures 1 and 2.

Regarding **claim 6**, Kredo discloses everything claim as applied above (see claim 1), in addition, Kredo discloses a step of interrupting a phone call to play the pre-recorded voice announcement, as disclosed at column 2, line 24 through column 4, line 27 and exhibited in figures 1 and 2.

Regarding **claim 7**, Kredo discloses everything claim as applied above (see claim 1), in addition, Kredo inherently discloses a step of playing the pre-recorded voice

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announcement with an earpiece, as disclosed at column 2, line 24 through column 4, line 27 and exhibited in figures 1 and 2.

Regarding **claim 8**, Kredo discloses everything claim as applied above (see claim 1), in addition, Kredo discloses a computer readable medium having computer executable instructions for alerting the user of the incoming phone call, as disclosed at column 2, line 24 through column 4, line 27 and exhibited in figures 1 and 2.

Regarding **claims 9-16, 19 and 20**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-8.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
November 26, 2005



Jefferey F Harold  
Primary Examiner  
Art Unit 2646